

NO. PD-1348-17

IN THE COURT OF CRIMINAL APPEALS OF TEXAS
FILED
COURT OF CRIMINAL APPEALS
7/5/2018
DEANA WILLIAMSON, CLERK

LAURO EDUARDO RUIZ,	§ TEXAS COURT OF CRIMINAL
	§ APPEALS
v.	§
	§
STATE OF TEXAS,	§ AUSTIN, TEXAS
	§ PD-1348-17

MOTION TO ALLOW FILING OF REPLY BRIEF

**ON APPEAL FROM THE COURT OF APPEALS
IN THE FOURTH JUDICIAL DISTRICT
SAN ANTONIO, TEXAS
CAUSE NUMBER 04-16-00226-CR**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LAURO EDUARDO RUIZ, by and through his undersigned attorney, and respectfully requests that this Honorable Court allow him to file a reply to the State's brief pursuant to Texas Rule of Appellate Procedure 70.4. Mr. Ruiz would show the following in support of said motion:

I.

Mr. Ruiz filed his brief on May 14, 2018. The State of Texas filed their brief on June 29, 2018. This is Ruiz' first request to file a reply brief.

II.

The present case imparts an intersection of privacy rights in an increasingly digital era with the social norms of a society grappling with identifying the proper boundaries of our modern, interconnected cultural network. Unsurprisingly, cases sharing similar thematic concerns have jettisoned to the forefront of recent American political discourse.¹ As this Court's ruling is expected to have far reaching implications, Appellee believes the Court would benefit from additional briefing on the matter.

III.

WHEREFORE, PREMISES CONSIDERED, the Appellee respectfully requests that this Court grant Appellee permission to submit additional briefing in the present case pursuant to rule 70.4 of the Texas Rules of Appellate Procedure.

¹ See *e.g.* Carpenter v. United States, 585 U.S. ____ (2018) (in this 5-4 decision, the Supreme Court wrestled with privacy interests in historical cell tower information in a closely fought opinion which produced four forceful individual dissents), Ellen Nakashima, Apple Vows to Resist FBI Demand to Crack iPhone Linked to San Bernardino Attacks, (February 17, 2016), https://www.washingtonpost.com/world/national-security/us-wants-apple-to-help-unlock-iphone-used-by-san-bernardino-shooter/2016/02/16/69b903ee-d4d9-11e5-9823-02b905009f99_story.html?utm_term=.2c20551bc45f (chronicling the herculean legal confrontation between Apple and the FBI in relation to the unlocking of an iPhone linked to the 2015 San Bernardino terrorist attack).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following Brief for Appellant was delivered to the Bexar County District Attorney's via E-file on this 5 day of July, 2018.

/S/ ADRIAN FLORES

NO. PD-1348-17

STATE OF TEXAS

VS.

LAURO EDUARDO RUIZ

IN THE TEXAS COURT OF CRIMINAL APPEALS

AUSTIN, TEXAS

ORDER

On this day came to be heard Ruiz' Motion to Allow Filing of Reply Brief.

It is the opinion of this Court that the Motion should be:

GRANTED/DENIED.

So ordered on this the _____ day of _____, 2018.

PRESIDING JUDGE